

## **MINUTES**

### **NEVADA STATE BOARD OF OPTOMETRY REGULAR MEETING**

March 23<sup>rd</sup>, 2007  
Office of the Nevada State Board of Optometry  
1000 East William  
Suite 109  
Carson City, Nevada

Dr. Stewart asked for public comment. There was no public comment.

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Brad C. Stewart, O.D., at 8:00 a.m. on March 23<sup>rd</sup>, 2007, at the office of the Board of Optometry, 1000 East William, Suite 109, Carson City, Nevada.

Identifying themselves as participating were:

Brad C. Stewart, O.D., Board President  
Jack Sutton, O.D., Board Member  
Geoffrey Chiara, O.D., Board Member  
George Bean, Board Member  
Robert Whitney, Deputy Attorney General

Participating and present at the Board office were:

Judi Kennedy, Executive Director  
Kenneth Kopolow, O.D.  
Samuel McMullin, Counsel for Lenscrafters

Agenda Item 2. The Complaint of Eugene F. Kortman vs. Harlan K. Kopolow, O.D. and Sefir Girisgen, O.D. Dr. Stewart acknowledged receipt of correspondence from Edward Hanigan, Attorney for Drs. Kopolow and Girisgen, as well as revised drawings of the doctors' practice location. Noting the presence of Dr. Kopolow, Dr. Stewart asked if he wished to make comment to the Board. Dr. Kopolow stated he believed the drawings reflected revisions in the physical layout

of the premises that would bring them compliant with Nevada law. Dr. Sutton stated he was pleased with the level of cooperation the doctors had displayed in attempts to resolve the matter. Dr. Sutton continued, stating he believed the revised drawings would bring the premises layout compliant. Drs. Stewart, Chiara, and Mr. Bean agreed. Dr. Chiara inquired about a date of completion of the revisions. After discussion, it was agreed Dr. Kopolow would furnish the Board with an estimated completion date. With the agreement of Dr. Kopolow, it was decided that a stipulation would be prepared for dismissal based on resolution. Dr. Chiara moved the most recent drawings be accepted, that a stipulation for dismissal be prepared, and that an administrative fine in the amount of \$500 be assessed. After further discussion, it was agreed the order dismissing the complaint would not enter until such time as the work had been completed. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 3. The minutes of the Board's January 26<sup>th</sup>, 2007, meeting were presented for approval. Dr. Stewart indicated the second paragraph on Page 2 should be removed. Dr. Sutton moved the minutes be approved as corrected. Dr. Chiara seconded the motion. The vote was unanimous.

Agenda Item 4. Accusation of Judi D. Kennedy, as Executive Director vs. Van T. Tran, O.D. Ms. Kennedy advised the Board that although, as required for disposition of the Accusation, Dr. Tran had submitted a copy of the revised ad, she had not remitted the administrative fine. After discussion, Dr. Sutton moved a letter be sent to Dr. Tran advising her she had ten days within which to remit the fine, or a subpoena would issue for her appearance at the Board's next regular meeting. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 5. Accusation of Judi D. Kennedy, as Executive Director vs. Mark Ohriner,

O.D. Ms. Kennedy advised the Board that although, as required for disposition of the Accusation, Dr. Ohriner had remitted the administrative fine, he had not remitted a copy of the revised ad. After discussion, Dr. Chiara moved a letter be sent to Dr. Ohriner advising him he had ten days within which to submit a copy of the revised ad, or a subpoena would issue for his appearance at the Board's next regular meeting. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 6. Complaint of Karen DiSorbo vs. Steven E. Grant, O.D. Dr. Stewart summarized the allegations of the complaint as: [1] Ms. DiSorbo had not received documentation for products purchased; [2] Dr. Grant did not employ a licensed optician; and [3] Dr. Grant had not honored the warranty date on the product purchased by Ms. DiSorbo. Dr. Sutton pointed out the one year warranty on the frame in question had elapsed prior to the time Ms. DiSorbo complained, and that an optometrist was not required by law to employ a licensed optician, but that an assistant could work under the doctor's license. Dr. Chiara agreed, noting Dr. Grant had issued a partial refund to Ms. DiSorbo in an attempt to resolve the matter. After discussion, Dr. Sutton stated the issue was monetary, and moved the complaint be dismissed for lack of jurisdiction. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 7. Complaint of James H. Danley vs. Robert Mateossian, O.D. The Board reviewed the complaint, and the response of Dr. Mateossian, which included a letter from Dr. Chaffin, who had also treated Mr. Danley. Dr. Sutton noted one of Mr. Danley's complaints involved a delay in receiving his glasses, which seemed to be more of a lab issue than an issue over which the Board would have jurisdiction. Dr. Chiara concurred. The Board discussed the allegation of negligence in Mr. Danley's complaint. Noting Dr. Chaffin's support of the treatment rendered by Dr. Mateossian, Dr. Sutton stated he believed Mr. Danley's reaction to the drops put in his eyes was an adverse reaction, which could not have been anticipated. Dr. Chiara stated that a complete exam could not have been accomplished without the drops. The Board determined there was no

evidence of unprofessional conduct or substandard care. Dr. Chiara moved the complaint be dismissed for lack of merit. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 8. Complaint of Judi D. Kennedy, as Executive Director vs. James W. Swedberg, O.D. Ms. Kennedy advised the Board, Dr. Swedberg had remitted the required \$250 administrative fine to dispose of the complaint. Dr. Sutton moved the complaint be dismissed based on resolution. Mr. Bean seconded the motion. The vote was unanimous.

Agenda Item 9. Complaint of Judi D. Kennedy, as Executive Director vs. Bruce L. Lundin, O.D. Ms. Kennedy advised the Board Dr. Lundin had remitted the required \$200 administrative fine to dispose of the complaint. Mr. Bean moved the complaint be dismissed based on resolution. Dr. Sutton seconded the motion. The vote was unanimous.

Agenda Item 10. The Board reviewed and discussed the correspondence from Thomas Raffaele, O.D. regarding certification in therapeutic pharmaceutical agents. Mr. Whitney advised the Board it had no discretion, and that NAC 636.730[1][b] required Dr. Raffaele complete the 40 hour preceptorship. The Board directed Ms. Kennedy to advise Dr. Raffaele.

Agenda Item 11. Ms. Kennedy reported to the Board relative to the Board's current bank balances, the status of the license renewals, and the number of pending applications. Mr. Bean moved Ms. Kennedy be given a 4% increase in her annual salary, and a \$9,000 bonus.

Dr. Stewart asked for public comment. There was no public comment.

The Board set a regular meeting for May 18<sup>th</sup>, 2007, in Las Vegas, and a meeting via telephone conference for July 27<sup>th</sup>, 2007.

Dr. Chiara moved the meeting adjourn. Mr. Bean seconded the motion. The vote was unanimous. The meeting adjourned at 8:58 a.m.